

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 30, 2008. Claims 1, 3-5, 11-17, and 19-26 remain in this application. Claims 1, 14, and 17 are the independent Claims. Claim 17 has been amended. Claims 2, 6-10, and 18 have been canceled without prejudice. It is believed that no new matter is involved in the amendments or arguments presented herein.

Reconsideration and entrance of the amendment in the application are respectfully requested.

Allowable Subject Matter

On page 6 of the Office Action, Claims 1, 3-5, and 11-16 were indicated to be allowable.

Applicant thanks the Examiner and formally recognizes the allowable Claims 3-5, and 11-16.

Double Patenting Rejections

Claims 17-22 and 24-26 were provisionally rejected on the ground of nonstatutory double patenting over Claims 1, 5 and 7-16 of copending Application No. 10/526,427. In response, Applicant is concurrently filing a Terminal Disclaimer to overcome the rejections.

Reconsideration and withdrawal of the above rejections are respectfully requested.

Art-Based Rejections

Claims 17, 21 and 22 were rejected under 35 U.S.C. § 103(a) over U.S. Patent Nos. 2,924,573 (Sasaki), in view of U.S. Patent No. 5,698,145 (Narutani), and

5,846,448 (Yasuhara), and 6,576,169 (Kobayashi) and 6,752,932 (Ishida); Claims 17, 20-24, and 26 were rejected under § 103(a) over Japanese Application No. JP 2000/159,523, in view of Narutani, Yasuhara, Kobayashi and Ishida.

Applicant respectfully submits that the current amendment of independent Claim 17 to include the subject matter of Claim 18, which, as noted above, should be allowable by reason of the concurrently submitted terminal disclaimer, will render Claim 17 allowable.

Applicant also submits that Claims 21 and 22 are allowable by reason of their dependence of amended independent Claim 17.

Conclusion

Applicant believes the foregoing amendments comply with requirements of form and thus may be admitted under 37 C.F.R. § 1.116(b). Alternatively, if these amendments are deemed to touch the merits, admission is requested under 37 C.F.R. § 1.116(c). In this connection, these amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action.

Lastly, admission is requested under 37 C.F.R. § 1.116(b) as presenting rejected claims in better form for consideration on appeal.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4721 to discuss the steps necessary for placing the application in condition for allowance.

Appl. No. 10/529,333
Amdt. Dated October 29, 2008
Reply to final Office Action of July 30, 2008

Attorney Docket No. 81864.0057
Customer No.: 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: October 29, 2008

By



Dariush G. Adli
Registration No. 51,386
Attorney for Applicant(s)

1999 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067
Phone: (310) 785-4600
Fax: (310) 785-4601